

Schulte Roth & Zabel LLP

919 Third Avenue
New York, NY 10022
212.756.2000
212.593.5955 fax

www.srz.com

Writer's Direct Number
212.756.2380

Writer's E-mail Address
Barry.Bohrer@srz.com

September 21, 2017

BY ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: **United States v. Percoco, et al., S2 16 Cr. 776 (VEC)**

Dear Judge Caproni:

We represent Joseph Percoco in the above-referenced matter, and we write in response to the Court's September 20, 2017 Order. (Doc. No. 320.) The S2 Indictment does not address any of the deficiencies identified in Mr. Percoco's pretrial motions. Accordingly, we do not intend to withdraw those motions.

Respectfully Submitted,

/s/ Barry A. Bohrer
Barry A. Bohrer
Michael L. Yaeger
Andrew D. Gladstein
Abigail F. Coster

CC: All Counsel (Via ECF)